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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/642,583	08/19/2003	Tadanobu Sato	Q76907	2930

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SUGHRUE-265550  
2100 PENNSYLVANIA AVE. NW  
WASHINGTON, DC 20037-3213

EXAMINER
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WALKE, AMANDA C

ART UNIT	PAPER NUMBER
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1752

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/20/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/642,583

Applicant(s)

SATO ET AL.

Examiner

Amanda C. Walke

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4,6,7 and 9-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,6,7 and 9-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 4, 6, 7, and 9-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mydlarz et al (5,783,373 or 5,783,378; column and line citations are for the '373 reference) in view of Edwards et al (5,792,601) in further view of any of Mydlarz et al (6,531,274 or 6,107,018), Budz et al (6,242,172), or Mehta et al (6,265,145).

Mydlarz et al disclose a silver halide photographic material comprising high chloride grains that have been doped with a combination of three dopants which fall within the scope of the present claim limitations. The class (i) dopants fall within the scope of the present class A, the class (ii) dopants fall within the scope of the present classes C and D, and the class (iii) dopants fall within the scope of the present class B (see column 6, line 3 to column 7, line 40, column 12, line 5 to column 14, line 46). For the class (i) dopants, see especially compound i-1, i-4, and i-6, for the class (ii) dopants ii-15, ii-20, and ii-25 (present class C), and ii-1, ii-2 and ii-4 (present class D), and for the class (iii) dopants iii-1 and iii-2. Although the reference does not provide information regarding the electron-release time, it is believed that the dopants of the reference will inherently meet these limitations because they are all listed as being preferred by the present specification. The reference teaches that the dopants of formula ii (present C) may be Ir complexes, but fails to specifically disclose an Ir dopant as instantly claimed.

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The Mydlarz et al , Budz et al ,and Mehta et al references all teach similar dopants which fall into the scope of the ii dopant of Mydlarz (primary references). Such dopants include pentachlorothiazoleiridium, thus it would have been obvious to one of ordinary skill in the art to prepare the material of either Mydlarz et al reference and choose an Ir dopant of the secondary references. It is also noted that H<sub>2</sub>O is also a ligand taught to be useful, thus one of ordinary skill in the art would have been motivated to replace the thiazole ligand with H<sub>2</sub>O.

Edwards et al teaches a high chloride emulsion comprising iodochloride {100} grains, wherein there is a high iodide iodochloride region of the grains. This region is located preferably in the exterior 15 % portion of the grains. Additionally, iridium doped AgBr Lippman emulsions are added to form bromide epitaxial deposits on the surface of the grains (column 6, line 15-column 10, line 21). The presence of both the high iodide iodochloride region of the grains and the doped silver bromide epitaxial deposits result in an increase in sensitivity and contrast.

Given the teachings of the Edwards et al reference, it would have been obvious to one of ordinary skill in the art to prepare the high chloride grains of Mydlarz et al choosing to add both a high iodide iodochloride region in the grains and the doped silver bromide epitaxial deposits of Edwards et al with reasonable expectation of achieving a high chloride emulsion having an increase in sensitivity and contrast.

### ***Response to Arguments***

3. Applicant's arguments filed 11/16/2006 have been fully considered but they are not persuasive. Applicant has argued that the dopants of the reference fail to meet the instant claim limitations and states that it would not have been obvious to replace the thiazole with a aquo ligand in the dopant. The examiner has reconsidered the reference, however, the examiner was

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referring to the class ii dopants which do not require all six ligands that while it is preferred that a ligand is a thiazole ligand, it is not required, thus it would have been obvious to one of ordinary skill in the art to prepare the dopant with the aqua ligand in the place of the thiazole.

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amanda C. Walke whose telephone number is 571-272-1337. The examiner can normally be reached on M-R 5:30-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia Kelly can be reached on 571-272-1526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Amanda C Walke  
Primary Examiner  
Art Unit 1752

ACW  
February 5, 2007

*Amanda C Walke*  
AMANDA WALKE  
PRIMARY EXAMINER

2/5/07